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Legal Department, DL429
Intellectual Property Administration
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ATTORNEY DOCKET NO. 20030102-02

III. REMARKS

1. Claims 1-17, 20-24, and 26-33 remain in the application. Claims 18, 19, and 25 have been cancelled without prejudice. Claims 1-4, 6-8, 11, 15, 17, 20, 24, 26, and 31 have been amended.

The amendments to the claims are not limiting, are not made for reasons related to patentability, and do not raise issues of estoppel.

2. Claims 1-17, 20-24, and 26-33 have been amended to overcome the 35 USC 112, second paragraph rejections. Applicant has amended the claims to positively recite structural limitations and eliminate narrative and indefiniteness.

3. Applicant respectfully submits that claims 1-3, 5-19, 22-25 and 31-33 are not anticipated by Chang et al. (US 20030052074, "Chang") under 35 USC 102(e).

Chang fails to disclose or suggest a deposition device that contacts a flap and deposits liquid on the flap, as recited by claims 1 and 31.

Chang also fails to disclose or suggest using a deposition device to contact the flap and deposit a liquid on a surface of the flap, as recited by claim 32.

Chang describes a closure 10 for a container 12 including a seal 16 with a displaceable bottom wall 36. As described in paragraph [0035] a sampling device 50 passes through the closure to obtain access to the contents of the container. A careful reading of all of Chang finds that the sampling device does not contact any part of the closure to deposit liquid on any part of the closure. Thus, there is nothing in Chang regarding a deposition device that contacts a flap and deposits liquid on the flap.

Similarly, Chang has nothing related to using a deposition device to contact and deposit a liquid on a surface of a flap of a hinged septum.

At least for these reasons, Applicants submit that Chang does not anticipate independent claims 1, 31, and 32 and dependent claims 2-17, 20-24, 26-30 and 33.

4. Applicants respectfully submit that claims 4, 20, and 21 are patentable over Chang under 35 USC 103(a).

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Claims 4, 20 and 21 depend from claim 1. As argued above, Chang fails to disclose or suggest all the features of claim 1 and therefore claims 4, 20, and 21 are patentable at least because of their dependencies.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 50-1078.

Respectfully submitted,

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